

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application.

Claims 1, 2, 4-16,18, and 19 are currently being prosecuted in this application. Claims 3, 17, and 20 have been canceled. The Examiner is respectfully requested to reconsider her rejection in view of the amendments and remarks as set forth below.

Drawings

The Examiner objected to drawings as not showing the flap with a button as claimed in claim 20. By way of the present amendment, claim 20 has been canceled rendering this objection moot.

Rejection Under 35 U.S.C. § 112, second paragraph

Claims 6, 7, 11 and 12 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite. The Examiner states that these claims are solely functional and do not provide any additional structure. The Examiner specifically refers to MPEP 2114. This rejection is respectfully traversed.

Applicants submit that claims which are functional are not indefinite due to their functionality. While it is agreed that claims which are strictly functional may be considered to not add any patentable weight, they are not improper in themselves.

Applicants have reviewed MPEP 2114 and do not find any discussion of functional claims being indefinite and incomplete. In fact, this section refers to functional claims being compared to the prior art. Applicants suggest that this rejection is incorrect and request that it be removed. If the Examiner persists in this rejection, she is requested to explain why functional limitations are considered to be indefinite.

The Rejection under 35 U.S.C. § 102

Claims 1-3, 5-8, 10-12 and 14 stand rejected under 35 U.S.C. § 102 as being anticipated by Ruff (U.S. Patent No. 5,921,008). This rejection is respectfully traversed.

The Examiner points out that Ruff shows a shoe with a sole, a compartment, a drawer, and an elastic thread (46). Applicants are familiar with this reference and refer to it in the specification as a prior art device. However, in this device the drawer is not held in the compartment in the same manner. In one embodiment, the strap which extends around the end of the drawer does have elastic sections. However, this differs from the present invention wherein an elastic thread is connected between the back of the drawer and the compartment. By way of the present amendment, Applicants have emphasized this difference by amending claims 1, 8 and 15 so that all three claims now make it clear that an elastic thread connects the drawer and the compartment. This is not seen in Ruff. Applicants respectfully submit that this rejection is overcome. Thus, independent claims 1, 8 and 15 as well as dependent claims 2, 4-7, 9-14, 16, 18 and 19 are allowable.

The Rejection under 35 U.S.C. § 103

Claims 4, 7, 9, and 12 stand rejected under 35 U.S.C. § 103(a) as being obvious over Ruffin view of Cohen (U.S. Patent No. 2,840,437). This rejection is respectfully traversed.

The Examiner relies on Cohen to show an elastic thread element 17 attached to the rear wall of a drawer to retain the drawer in the compartment. Applicants disagree with the Examiner's understanding of this reference.

Cohen has provided a spring 17 connected between the ends of two drawers on opposite sides of a purse. Thus, while this spring elastically connects the two drawers to each other, it is not an elastic thread. Secondly, the elastic element does not connect the drawer to the compartment, but rather it connects the two drawers to each other. Accordingly, Applicants submit that these claims, as well as independent claims 1, 8 and 15 define over this combination of references since this combination does not show an elastic thread and the connection as claimed.

Claim 13 stands rejected under 35 U.S.C. § 103(a) as being obvious over Ruff in view of either Goldston (U.S. Patent No. 5,692,324) or Martin (U.S. Patent No. 2,478,411) This rejection is respectfully traversed.

The Examiner relies on Goldston and Martin to teach the idea of tapering the end of a drawer element. Applicants submit that even if this reference does teach this feature, it does not help overcome the deficiencies of the Ruff reference cited above in regard to the independent claim from which claim 13 depends. Accordingly, claim 13 remains allowable based on its dependency from allowable claim 8. Furthermore,

Goldston does not show a tapering end of a drawer element, but rather a clip. Martin shows a wedge-shaped heel in a tapered shape, but does not show the drawer which is inserted into a compartment in this shape. Thus, Applicants submit that these references are not as relevant as suggested by the Examiner.

Claims 15-17 and 19 stand rejected under 35 U.S.C. § 103(a) as being obvious over Ruff in view of Wagner (U.S. Patent No. 5,231,775). This rejection is respectfully traversed.

The Examiner cites the Wagner reference to show the concept of providing dividing walls within a container to divide the portion into smaller containing portions. Applicants submit that even if this reference shows this feature, it does not aid the Ruff reference in overcoming its deficiencies noted above. In particular, the combination of Ruff and Wagner still do not show the elastic thread connected as indicated. Accordingly, Applicants submit that this rejection is overcome as well.

Claim 18 stands rejected under 35 U.S.C. § 103 as being obvious over Ruff and Wagner as applied to Claim 15 and further in view Cohen. As described above, Cohen does not show an elastic thread, but rather a spring and does not show the connection between the compartment and the drawer. Applicants' submit that the combination of these three references still do not render obvious the present claims.

Claim 20 stands rejected under 35 U.S.C. § 103 as being obvious over Ruff in view of Wagner and Potts (U.S. Patent No. 6,094,844). This rejection is respectfully traversed.

Since Claim 20 has been cancelled, this rejection is rendered moot.

Conclusion

In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination. In view of this, reconsideration of the rejections and allowance of all the claims are respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert F. Gnuse (Reg. No. 27,295) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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